

REMARKS

Applicant gratefully acknowledges the allowance of claims 11 and 12.

Claims 14 and 16 have been amended. Claims 13 and 15 have been canceled. Claims 1-12, 14, 16, and 17-23 are pending in this application. No new matter has been added. Applicant reserves the right to pursue the original claims and other claims in this and other applications.

Claim 13 stands rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Claim 13 has been canceled to further prosecution of the application.

Claims 4, 14, 16, 18, and 23 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. Claim 4 depends from claim 1 and is allowable for at least the reasons set forth below for the allowance of claim 1. Claims 14 and 16 have been rewritten in independent form as suggested by the Examiner. Claims 18 and 23 depend from claim 17 and are allowable for at least the reasons set forth below for the allowance of claim 17.

Claims 1-3, 5-10, 13, 15, 17, and 19-22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Witt et. al. (U.S. Patent Publication No. 2004/0003314). The rejection is respectfully traversed.

Applicant notes that the rejection of claims 1-3, 5-10, 13, 15, 17, and 19-22 is premised upon Witt. Pursuant to MPEP §§ 706.02(a), Witt is not a valid 35 U.S.C. §102(b) reference. The January 1, 2004 publication date of Witt is not more than one year prior to the filing date of the present application, that is, January 30, 2004.

Accordingly, the withdrawal of the rejections of claims 1-3, 5-10, 13, 15, 17, and 19-22 under 35 U.S.C. § 102(b) is respectfully requested.

Applicant respectfully submits that Witt fails to disclose, teach, or suggest the inventions of claims 1-3, 5-10, 17, and 19-22 under 35 U.S.C. § 102(e).

Claim 1 recites “[a] method of creating an image file of target information to be additionally written in an information recording medium, comprising ... creating an image file having the image data in association with the identification information.” Applicant respectfully submits that Witt fails to disclose the invention of claim 1.

Claim 17 recites “[a]n information recording system for recording information in an information recording medium, comprising: an information processing device having a file creation part, in response to a request to create an image file of target information to be additionally written in an information recording medium.” Applicant respectfully submits that Witt fails to disclose the invention of claim 17.

Witt relates to an image file format and a method of creating and restoring an image file. Witt discloses a method for the contents of a storage media to be captured and stored as an image file on a destination storage media. Witt also discloses that the image file from the destination storage media is used to restore the storage media to a previous state or allows multiple computers to be provided with a common configuration.

Applicant respectfully submits that Witt does not disclose creating an image file of target information to be additionally written in an information recording medium. Witt only discloses writing an image file to a storage medium. As such, Witt

fails to disclose, teach, or suggest the inventions of claim 1 and 17. Applicant respectfully requests the allowance of claims 1 and 17.

Claims 2-10 depend from claim 1 and are allowable for at least the reasons discussed above. Claims 18-23 depend from claim 17 and are allowable for at least the reasons discussed above.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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